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Interesting comment from Australia's newly appointed Foreign Minister Bob Carr



Carr to Lieberman: Don't attack Iran

GARETH NARUNSKY, Australian Jewish News, March 29, 2012

NEWLY appointed Australian Foreign Minister Bob Carr told his Israeli counterpart Avigdor Lieberman it was "not in Israel's interests" to attack Iran when the two spoke on the phone last week.

Carr revealed the conversation during an interview with the ABC's Lateline last Thursday, in which he also said he agreed with United States President Barack Obama that a nuclear Iran was unacceptable and that containment was not an option.

Insisting he was particularly concerned about an Israeli strike, Carr said a military operation was still only a "hypothetical solution".

"Our position is very clear – we counsel Israel against taking military action apart from any other consideration. It is not in the interest of Israel," he said. "I said that to the Israeli Foreign Minister when I spoke to him last week".

The former NSW premier said sanctions against Tehran, which is seeking to develop nuclear weapons, were taking their toll and needed more time, but all options were on the table.

"We're encouraged, but not terribly optimistic, about some signs of a reawakened interest in negotiations. We think sanctions and negotiations still contain promise," he said. "The sanctions are having a clear economic effect, a damaging economic effect, and there is some evidence, not to be overstated, that that's had the effect of a revival of interest in Tehran in a negotiated settlement with the Five Plus One grouping [Permanent UN Security Council members Britain, China, France, Russia and the United States, plus Germany]."

Zionist Federation of Australia president Philip Chester said he doubted "anyone was in a position" to say sanctions were working. "Ultimately the call made by Israel and the US will depend on how they see the security conditions," he said. "Everyone's being very careful and I think that's right – you've got to be certain before you make the call."

Australia/Israel & Jewish Affairs Council executive director Colin Rubenstein welcomed Carr's words.

"The important, positive point is that our Foreign Minister endorses the unequivocal view of President Obama that to safeguard profound regional and global interests, Iran must be prevented from acquiring nuclear weapons and that, in order to achieve this, the effectiveness of increasingly severe sanctions and possible imminent negotiations – the preferred strategy of all parties including Israel – will be greatly enhanced by keeping all options, including the use of force, squarely on the table," he said.

<http://www.iewishnews.net.au/carr-to-lieberman-dont-attack-iran/25505>

From: Fredrick Toben toben@toben.biz

Sent: Monday, 26 March 2012 9:43 AM

To: Tony.Abbott.MP@aph.gov.au

Cc: ajn@jewishnews.net.au

Subject: Memo from Töben

1. Whether you like him or not, the focus on Adolf Hitler for Revisionists is an imperative because he premises the reason for a New World Order and all that surrounding its implementation, e.g. events such as 9/11, global financial crises, agitators wanting war with Iran, etc.!

2. It was Hitler who dared challenge the global financial usury slave system and disconnect his country from the international bankers' debt-enslavement with a policy of autarky.

3. Ask the question: Who delights in bankrupting people and countries through legal and illegal means? Who is intolerant of Human diversity? who hates

freedom of expression? who hates the ideals of beauty, honour and truth? who hates basic cleanliness and wholesome living? who cannot be creative but knows how to exploit those that are creative?

4. What needs to be done? Develop national interests politics as opposed to pure international interest politics. the ideological divide is not between left and right but between national and international – again!

5. Please note: I'll be spending time away from adelaide - in the bush again. Leave urgent messages at 61+4170-88217 and toben@toben.biz

Fredrick Töben, currently still in Adelaide.

Hitler ad has Turks in a lather

From: AFP March 26, 2012:17AM



Fascists: This photo dated September 28, 1938 shows Italian dictator Benito Mussolini and Nazi leader Adolf Hitler before a conference in Munich, Germany. Picture: AP Source: AP

A TURKISH shampoo commercial featuring Adolf Hitler has drawn outrage from Jewish groups worldwide.

"It's totally unacceptable to make use of Hitler, the most striking example of cruelty and savagery..." said the Turkish Jewish Community in a statement, blasting the 12-second ad that has been aired since last week.

The commercial for Biomen, a men's shampoo, shows a gesticulating Hitler deliver an enthusiastic speech, urging male customers to buy the product that is "a 100 per cent male shampoo".

"If you are not wearing a woman's dress, you should not use her shampoo either," he says.

Jewish organisations in Turkey have asked the advertising agency to pull the commercial.

On an international level, the US-based Anti-Defamation League which fights anti-Semitism said it was "repulsed".

Using Hitler "who was responsible for the mass murder of six million Jews and millions of others in the Holocaust to sell shampoo is a disgusting and deplorable marketing ploy," said Abraham H. Foxman, the national director of ADL and a Holocaust survivor, in a statement.

"It is an insult to the memory of those who perished in the Holocaust, those who survived, and those who fought to defeat the Nazis."

Related Coverage

*[Adolf Hitler auction causes uproar](#) *The Australian*, 5 Oct 2011

*[Fuhrer furore over 7-Eleven Hitler](#) *The Daily Telegraph*, 26 Sep 2011

*[Hitler's evil revealed in early letter](#) *The Australian*, 8 Jun 2011

*[Berlusconi slammed for Jewish joke](#) *Herald Sun*, 6 Oct 2010

*[Turks not genocidal](#) *The Australian*, 18 Sep 2010

<http://www.dailytelegraph.com.au/hitler-ad-has-turks-in-a-lather/story-fn6e1m7z-1226309821608>

A Turkish shampoo commercial featuring footage showing Adolf Hitler giving a speech was taken off the air on Wednesday, following [protests by the local Jewish community](#).

The 13-second television spot for Biomen shampoo shows black-and-white archival footage of the Nazi leader at a political rally. Dubbed in Turkish, he shouts that men should not use women's shampoo.



Image grab from a Turkish shampoo TV ad featuring Adolf Hitler.



'Only fools believe what they are told, when it is clear that much else is being hidden'.

From: Captain May captainmay@prodigy.net

JetBlue Jumble 191: False Flag Flight?

By [Captain May](#) Thursday, April 5th, 2012 |

Last week JetBlue Flight 191 had taken off from New York and was en route to Las Vegas when Captain Clayton Frederick Osbon, the pilot, began yelling. Alarmed passengers heard his frantic warnings of a bomb planted onboard, somehow connected to Iran, Iraq and Afghanistan.

Clearly It was a terrifying trip, whether you believe the official story that the pilot simply freaked out, or suspect that there was an official effort to stage a false flag terror event. The latter possibility isn't merely conspiracy theory, it is conspiracy history. According to declassified details of [Operation Northwoods](#), 50 years ago the Joint Chiefs of Staff proposed false flag attacks against both U.S. civilian and military targets on air, land and sea to provoke us into a war with Castro's Cuba, which was to be blamed for the mass murders of American citizens.

JFK, who rejected the plan, was assassinated and replaced in 1963 by LBJ, whose administration staged the 1964 [Gulf of Tonkin Incident](#) to provoke us into a war against Vietnam. The same LBJ refused to defend the [USS Liberty](#) when it was viciously attacked by Israeli air and sea forces during its 1967 [Six Day War](#), launched against its Arab neighbors three days

earlier. The Liberty Incident was a textbook false flag operation, in which the Johnson administration was prepared to join the Israeli war by attacking Egypt, the nation that it intended to blame for the false flag.

Apropos of JFK's assassination, I stand with the three-quarters of the American people who share the "conspiracy theory" that the government and media haven't told us the truth about it. Every one of us has his or her favorite clue, excepting scholars like my Veterans Today colleague [Dr. James Fetzer](#), a former Marine Corps captain who has courageously cooperated with me on dangerous counter-false-flag missions. Jim has researched and written so much about the Kennedy conspiracy that he would probably be hard-pressed to single out a most compelling clue. As a linguist and a layman, though, my foremost factoid from JFK's fatal day in Dallas is verbal. I can't imagine why Texas governor John Connally, who was stuck by

the first bullet to pass through Kennedy, would immediately exclaim "Oh my God, they're going to kill us all!" — unless he presupposed that *they* were not going to kill *all* of the people in the car. His suspicious outcry came just after JFK clutched his throat, and just before his head exploded. With it, the governor became both the first conspiracy theorist and the foremost witness of the assassination.

I adduce the Connally exclamation because it is an eerie precursor of Captain Osbon's exclamation onboard JetBlue Flight 191:

"They're going to take us down! They're taking us down! They're going to take us down! Say the Lord's prayer! Say the Lord's prayer!"

What did Captain Osbon discover that so unnerved him? The official position that he simply freaked out is bizarre at best. It's more likely that Flight 191 was participating in a terror exercise, and that its pilot discovered, to his horror, that the exercise was going to "go live" as a false flag operation. This would explain the references to Afghanistan, Iraq and Iran. 911 made wars against Afghanistan and Iraq possible. Might the downing of Flight 191 have been intended as the necessary provocation for a war against Iran? In light of modern American history, it's insane to not consider that possibility.

My perspective on Captain Osbon's state of mind is unique, insofar as I am the commanding officer of Ghost Troop, the well-known cyber militia unit widely credited with preempting false flag attacks against Houston, Chicago and Portland. The first of our missions of was described well in a Sunday article by Major William B. Fox, a former Marine: [8th Anniversary: How Ghost Troop Stopped a BP Nuke](#).



Alex Jones, John Stadtmiller and Ron Paul collaborated with the BP false flag attempts of 2004 - 2006.

Major Fox was generous in presenting my methods without my mania. I defy anyone, though, however brave or brazen, to see a false flag targeting his home town and not freak out,

even though he may continue to forge ahead, as I did, to try prevent it. I was operating under threats by the FBI, dismissal by the Secret Service, cautious cooperation by Houston Police Department CID and contempt by many of my media colleagues.

Most galling of all were Alex Jones, who interviewed me ten days before the BP explosion; John Stadtmiller, who interviewed me the day after the false flag; and Ron Paul, on whose home turf the attack occurred. All three of these reputed lions of liberty caught yellow fever at crunch time. Jones and Stadtmiller threw away the interviews and, if asked about me and Ghost Troop, rabidly replied that we were COINTELPRO. As for Ron Paul, whom I had known since my days as an NBC editorial writer, he became deaf, dumb and blind.

Two years after Ghost Troop's first counter-false-flag mission we again sounded the alarm in Houston, while Jones and Stadtmiller again attacked us as COINTELPRO. After events validated our efforts, both of them refused to announce or discuss the close call — and Ron Paul continued to play deaf, dumb and blind..

[Nuclear attack warning story](#)

Basing his information on a report from a man claiming to be a former U.S. Army intelligence officer, show host Greg Szymanski reported that the area was likely the target for a government-led nuclear attack. The report quickly made the rounds via e-mail and blog sites.

On Wednesday, people driving along Galveston's Seawall Boulevard could see unmarked black trucks and sport utility vehicles bearing government license plates near crews setting up what appeared to be satellite or radar gear on the beach. The crews were wearing shirts embossed with the words, "Weapons of Mass Destruction Civil Support Team," a branch of the U.S. Defense Department. It was enough to get even the most timid conspiracy theorist thinking something was up. — *Galveston County Daily News*, 2/2/2006

Many of my readers will be aghast at my charge that the major alternative media and politics are not really an alternative at all, but rather an adjunct to the powers that be, and that they are as complicit in setting up the next 9/11 as their mainstream brethren were in setting up the first one. I can only reply that my worst-case assessment was agonizing for me, who was risking his life while they were demonstrating that they were insidious insiders. My story is supported by facts, to which they reply only by name calling.

I suspect that Captain Osbon has learned, as I did, that the onion of reality reeks as you peel back its layers.

To be continued in JetBlue Jumble 191: Crime Code Clues.

<http://www.veteranstoday.com/2012/04/05/jet-blue-jumble-191-false-flag-flight/comment-page-1/#comment-435244>

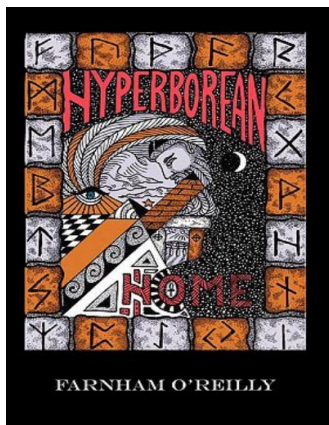
The Occidental Observer – Review of Hyperborean Home

By Farnham O'Reilly, Xlibris, 2011, 26 Apr 2012 06:57 AM PDT

<http://www.theoccidentalobserver.net/>

Hyperborean Home is the best kept secret in pro-White literature, a truly polished and inspiring depiction of a White homeland in the distant future. While Farnham O'Reilly has much to teach in the course of the novel, he does an admirable job of showing rather than telling, integrating his National Socialist worldview into an engaging plot lived through the thoughts and actions of sympathetic characters. While the racial message is indeed uplifting, O'Reilly's love of nature and dream of a future in which we once again live in harmony with it lends the work an enchanting quality.

His is, however, a National Socialist worldview...as in Nazi. This is never explicitly confirmed, and a politically and historically naive reader could enjoy this entire tale without even knowing he was being immersed in the world's single most vilified ideology. Without directly dropping the H-bomb, the author asks in the preface "If an utterly corrupt system—based on lies and deception—continually portrays someone as the most evil person who has walked the face of the earth, then is it just possible the opposite is true?"



A problem arises here for somebody like myself who finds Nazism deeply problematic. It was, as O'Reilly suggests, the single most threatening challenge to our enemies. Hitler was certainly not the cartoonishly hateful and monomaniacal villain he's been portrayed as by those he attempted to defeat. His crimes were neither as numerous nor as historically unique as they insist. I don't disagree with Nazism because I believe the parody of Nazism presented by mainstream sources. I don't disagree with Nazism because agreeing with Nazism is taboo even within the most subversive corners of the American political spectrum. Something as broad and varied as Nazism contains elements I agree with and elements I disagree with, though I disagree with enough elements that I cannot be accurately described as a Nazi.

For simplicity's sake, I'll disregard the parallax between O'Reilly's idealized depiction of Nazism—perhaps more accurately described as Esoteric Hitlerism—and the historical person and party from which it originated. Eugenics plays a central role in the story, and the protagonists have all been eugenically selected for centuries. At this stage, they're Aryan ideals of fitness, health, creativity, and virtue. The eugenic process is decidedly negative (that is, characterized by active selection against undesirable traits). Supposedly, morality is perfectly aligned with nature, so the moral thing to do is leave the weak to die so that the people can remain as fit as possible.

I find that viscerally repellent, perhaps because I'm a Christian. O'Reilly firmly rejects Christianity, repeatedly referring to an ancient faith which served the purposes of the antagonists (You have exactly one guess...). In my opinion, the eugenics practiced in the novel is deeply problematic. To the very limited extent to which it was practiced by the historical NSDAP, they could be forgiven for not having access to the insight and information the revolution in genetic research has afforded us. Namely, human eugenics is not quite as simple as merely having the courage and clarity to slaughter the defectives. A great deal of apparent defects are more complex than they first appear.

The gene which causes myopia, [for instance](#), has also been shown to provide a significant boost in intelligence. The disposition towards bipolarity has been correlated with artistic achievement. The disposition towards autism is often associated with rare accomplishments. Today's overly-sensitive immune system which manifests as Juvenile Diabetes or Multiple Sclerosis may well have been vitally necessary during some ancient pandemic and may prove vitally necessary in some future pandemic. Ashkenazi Jews, [for example](#), have been postulated to be more likely to suffer from nervous system disorders because of their intensive selection for intelligence.

Eugenics is vitally necessary to guarantee the vitality of a people over time, and there are certainly genetic defects which can and should be humanely phased out of the gene pool. [Editorial note: A concern with dysgenics for traits like intelligence and impulse control continues to resonate in the academic literature. Particularly notable are the contributions of Richard Lynn and Helmuth Nyborg. See [here](#). In his book [Eugenics](#), Richard Lynn defends eugenics and notes that some countries, such as China and Israel, are practicing eugenics (See Richard Hoste's TOQ review, ["The Coming Chinese Superstate,"](#)). In his Jewish Eugenics, John Glad shows that in the contemporary world, Israel is committed to eugenics, while opposition to eugenics in the West has emanated mainly from Jewish social scientists and activists who propose (falsely) a strong link between eugenics and the Holocaust. See [here](#).] Regarding the morality of negative eugenics, killing one's own infant is not only unspeakably cruel, it would also seem unnecessary in a healthy and vibrant society. Why not merely sterilize a child who has been shown to pose a genuine threat to the health of future generations? And shouldn't more consideration be given to positive eugenics? The strictly monogamous nature of the society depicted in the novel, its low population density, and its embrace of romantic partner selection seems to leave little room for positive eugenics.

Historical Nazism was not overtly opposed to Christianity, though there was an undeniable undercurrent of contempt for it and suspicion of it among Nazism's vanguard. Liberated from practical politics and informed by Christianity's ongoing degeneration, contemporary Hitlerists often embrace this conflict and are overtly hostile to Christianity as an "alien religious system." Given the decadent state of Christianity in its myriad denominations and its decidedly Semitic origin, O'Reilly can hardly be blamed for arriving at his anti-Christian bias. The onus is on us Christians to prove him and the many others who agree with him wrong by repairing Christian theology and Christian institutions so that they're once again bulwarks against Jewish intrusion and influence. The onus is on us to actually demonstrate a dynamic and relevant Christianity which is not merely a "slave morality" celebrating and promoting weakness, alienation, degeneration, and quantity over quality.

I believe that Christ's message was a clear and powerful rebuke of the Jewish strategy, one which models the change in thought and behavior necessary to defeat it. Rather than answering these charges with unsubstantiated claims that it's theoretically possible for Christianity to be part of the solution, we Christians need to invest our energies in making it part of the solution and then demonstrating that. Too frequently, Christians who are White Advocates invest considerable time and energy in arguing with non-Christians and anti-Christians within the movement. This would be more constructively invested in arguing with our fellow Christians in favor of a theology compatible with our survival. If we can win that internal argument, then we'll have won the external argument by default.

In the [first installment](#) of his excellent ["What Will Work"](#) series, O'Reilly asserts that "we are first and foremost not an intellectual people, rather we are a social people, and the way to reach our people is not through the mind, but through the social emotions. I repeat — the battle is to be won in our emotions, not our minds."

He couldn't be more correct on this count, and his decision to convey his ideas in the form of an emotionally charged novel is an insightful one which should be emulated. We cannot fall

back on the instinctive ethnocentrism other populations enjoy, because we're simply too abstract, romantic, and universal in our disposition. Being correct and winning arguments isn't good enough, either. This doesn't mean that we're doomed; it only means that we can't win by emulating our competitors. O'Reilly's worldview is at once inspired by the ancient Aryan traditions, a mystical and romantic approach to nature, and an approach to human eugenics and social progress which borrows rather heavily from an intimate familiarity with animal husbandry and contemporary wildlife management practices. The worldview he's promoting is faithful, purpose-driven, and poetic—without shying from the cold, calculating, and even cruel realities serious men must confront. Sooner or later, our society will be held accountable once again to nature and natural selection. It's not a matter of choice. The only choice we have is whether we muster the courage to do it now and on our terms, or later and on hers. Even many who consider themselves hardened to uncomfortable truths will find his proposed response inhumane, but his proposed response is much less inhumane than the future which surely awaits us if we cling to our current state of denial.

You can fool yourself, but, to pluck a quote from Hyperborean Home: "You can't fool Mother Nature."

While I quibble with some of the ideological points presented throughout the book, the only major flaw in this commendable project is its ham-fisted rigidity. When the youths are taught about homosexuality during a lecture on the bad old days, they're all overwhelmed with horror and disgust. If you cut

down the wrong tree or pollute, the punishment is death. The boys all do this. The girls all do that. To some extent, the orderly and deliberate nature of human affairs is a refreshing alternative to the disorderly and derelict way individuals go about things in the current age. I get that, and I get what O'Reilly's depicting is an idealized abstraction. Though, at times, I felt like I was reading a more nature-friendly edition of 1984 as told from Big Brother's perspective.

The recent purges of John Derbyshire and Pat Buchanan mark the end of paleoconservatism as a credible vehicle for promoting White Identity. The disingenuous White liberals and organized Jewish community are wringing their hands and cackling maniacally at having finally thrust the last public defenders of the traditional White American people and their ideals into the vat of acid. Unbeknownst to them, our sense of common identity and will to survival remains and is gathering seriousness and strength. All our opponents have done is delegitimize the familiar, housebroken, mainstream, and Jew-friendly expression of our political will. What emerges from the vat of acid will be more radical, more revolutionary, more virulent, and more complete than "Pat" or "the Derb" could imagine.

Some White Advocates are committed to finding a way to lobby and influence the current system to make it compatible with our survival. For the rest of you, Hyperborean Home is a comprehensive and creative introduction to a radical alternative to this system.

Remember this item from 2002?

Holocaust-denier barred from filing court appeal

Henry Benjamin, 22/11/2002

The Australian Federal Court has dismissed Holocaust-denier Olga Scully's application to file an appeal against a September ruling that barred her from distributing racist material.

Justice Kevin Lindgren told the court, in Sydney, that the time-period permitted for Mrs Scully to file her appeal had expired. Saying that, in any event, the appeal would inevitably fail on the substance of its argument, he declined to grant an extension.

The president of the Executive Council of Australian Jewry, Jeremy Jones, commented: **"This was her last avenue of appeal and marks the total end of this matter. We will act vigorously on any complaint which we receive should she continue her anti-Semitic activities,"** he

added. The court was told that Mrs Scully, 59, who lives in Launceston, Tasmania and filed for bankruptcy in July, owed more than 110,000 Australian dollars — £39,000 — in court costs, awarded against her in separate cases which she had lost involving the ECAJ and a Tasmanian newspaper.

In a separate case, an Adelaide-based Holocaust denier, Dr Fredrick Toben, has filed an appeal against a court decision which ordered him to remove revisionist material from his Internet website. The appeal is set to be heard in February of next year.

<http://website.thejc.com/home.aspx?AId=14869&ATypeId=1&search=true2&srchstr=Dr%20Fredrick%20Toben&srchtxt=0&srchhead=1&srchauthor=0&srchsandp=0&scsrch=0>

From: Fredrick Toben toben@toben.biz

Sent: Tuesday, 10 April 2012 3:04 PM

Subject: Personal -

Dears, including those receiving this as Bcc -

Herewith my today's submission to court - I was advised the duty judge is currently in Darwin but that within two weeks I'll have a date for the hearing of the Interlocutory Application:

My final paragraph in my Affidavit reads:

>>Former Israeli Minister Shulamit Aloni talks about the Anti-Semitic Trick that effectively deflects from justified criticism of Jewish behaviour! I make reference to Item 4, Exhibit 1.

I remind the court that if there is to be an historical perspective in this legal matter, then a balanced approach

to looking at World War Two atrocities' claims is required.

It should then be remembered that historian James Bacque stated six million Germans were killed up to 1945 and then a further nine million died before 1950. These nine million post-war German deaths occurred because Hitler and the Germans generally knew they did not need the international banking system - of which the 'Holocaust-Shoah' is a propaganda tool with which to oppress the Germans.<<

Cheers - and wish me luck! Fredrick Töben

Form 35
Rule 17.01(1)

FEDERAL COURT OF AUSTRALIA S.A. DISTRICT REGISTRY RECEIVED / FILED 20 APR 2012 Fees Paid..... Receipt No.....
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**An Application to amend the
Interlocutory application dated 10 April 2012**

No: NSD 327 of 2001

Federal Court of Australia
District Registry: South Australia
Division: General

GERALD FREDRICK TOBEN
First Applicant

JEREMY SHAUN JONES
First Respondent

The Applicant applies for the interlocutory orders set out in this application. The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.


Time and date for hearing: 9.00am on Thursday 26 April 2012

Place: Commonwealth Law Courts, 3 Angas Street, ADELAIDE SA 5000

The Court ordered that the time for serving this application be abridged to

Tuesday 24 April 2012 at 10am

Date: 20 April 2012


Signed by an officer acting with the authority
of the District Registrar TO SERVE PURSUANT
TO SECTION 73(1) OF FEDERAL COURT OF
AUSTRALIA ACT 1976



Filed by the Applicant Dr G F Toben
Prepared by the Applicant
Telephone: 0417088217
Email: toben@toben.biz
Address for service PO Box 3300, Norwood SA 5067

Interlocutory orders sought:

1. That the Bill of Cost filed on 27 February 2012 by the First Respondent be struck off with costs to be taxed and paid forthwith.
2. The Applicant seeks an injunction to restrain the First Respondent – [including Jeremy Shaun Jones/Steven Lewis/Robert Goot/Steven Rothman/Peter Wertheim, et al. on behalf of the Executive Council of Australian Jewry at Sydney NSW] – in pursuing the abovementioned Bill of Cost and any further application for costs.
3. An Order that the First Respondent Jeremy Shaun Jones be declared a vexatious litigant in pursuing the present proceedings.
4. Such further or other orders as the Court deems fit.

Service on the Respondent

It is intended to serve per Express Post this application on the First Respondent's solicitor, Mr Steven Lewis, at Slater & Gordon Lawyers, 5/44 Market Street, Sydney 2000, as well as per email to: slewis@slatergordon.com.au

Date: 20 April 2012



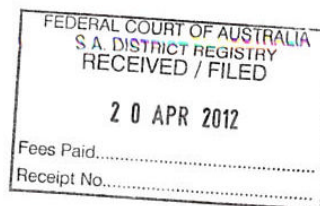
Signed by G F Toben Applicant



Form 20

AFFIDAVIT

**IN THE FEDERAL COURT OF AUSTRALIA
SOUTH AUSTRALIA REGISTRY**



No: NSD 327 of 2001

IN SUPPORT OF AMENDED INTERLOCUTORY APPLICATION

GERALD FREDRICK TOBEN
First Applicant

JEREMY SHAUN JONES
First Respondent

AFFIDAVIT

Name of Deponent: Dr G F Toben

Date sworn: 20 April 2012

I, Gerald Fredrick Töben, of
23 Caloroga Street
WATTLE PARK SA 5066
Retired Teacher-Age Pensioner
say on oath -

1. I make reference to my Affidavit sworn on 10 April 2012.

1.1 I am the legally unrepresented Applicant in these proceedings on account of failing to secure a State or Federal Legal Aid grant, and not finding a barrister willing to appear pro bono in this matter.

2. That this current Bill of Costs application now before the Taxing Master continues the legal persecution begun in an action in 1996 before the Human Rights and Equal Opportunity Commission-HREOC by Jeremy Shaun Jones on behalf of the Executive Council of Australian Jewry, namely, Robert Goot, Steven Rothman, Peter Wertheim, Steven Lewis, et al., the latter being the solicitor who used Slater & Gordon, Sydney, as the legal entity to effect the legal persecution.

Filed by the Applicant

Dr G F Töben

Address for service: PO Box 3300, Norwood SA 5067

Telephone: 0417088217

Email address: toben@toben.biz

1

3. That in my 13 AUGUST 2009 Appeal before the Full Bench of the Federal Court of Australia before SPENDER J, GRAHAM J and GILMOUR J, [**FCA No: SAD 69, (appeal against verdict) and 73, (appeal against sentence) of 2009**], it was stated:

>>SPENDER J: The costs that the primary judge ordered were not costs in relation to proceedings in the commission or proceedings before Branson J. The costs that his Honour ordered [Lander J] were the costs in relation to this matter<< at p 28 of transcript.

3.1 This current action **FCA No: NSD 327 of 2001** was begun by the First Respondent on 30 March 2001 to enforce determinations made on 5 October 2000 by the Human Rights and Equal Opportunity Commission. In summary, the Commission found that I, representing "the Adelaide Institute", had engaged in conduct rendered unlawful by s 18C of the Act by publishing certain material on the internet which the Commission found to be "racially vilificatory of Jewish people". Judgment was made by Branson J on 17 September 2002. On 19 May 2003 I unsuccessfully appealed against the Branson orders.

3.2 On or about 5 December 2006 the First Respondent began contempt of court proceedings against me – but I was then in Iran attending the Teheran International Holocaust Conference.

3.3. On 27 November 2007 Formal orders are made by Moore J wherein I make a written apology to the FCA, which then the *Australian Jewish News* headlined in words to the effect "**Töben makes Holocaust denial apology**". Upon this, I withdraw the apology and in addition cite that the apology required my deleting specified material from Adelaide Institute's website but that it had no provisions for my deleting links to other websites. I considered this an example of typical deceptiveness that had been my experience in this matter since 1996. I cite the following from Martin Luther King Jr: *'One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over the injustice, is in reality expressing the highest respect for law'*.

3.31 Also, I personally worry about the basic thrust of legal endeavours as expressed in human rights legislation, because such do not operate on a basic universal truth principle. Truth is the foundation principle of our civilization. If, for example, an engineer constructs a bridge and during this process fabricates and falsifies data, then in time the structure will collapse. So, too, it is if a society loses the concept of truth as a foundation stone.

3.4 On 5-7 August 2008 the matter then proceeded to a hearing before Lander J., who on 16 April 2009 handed down his formal orders/reasons for judgment. On 13 May 2009 Lander J handed down formal orders/reasons for punishment. My barrister David Perkins asked for leave to appeal and objected to my immediate imprisonment as was then planned. The matter was adjourned, then continued before Besanko J who granted leave to prepare for the Appeal, which was numbered: **FCA No: SAD 69 and 73 of 2009**. The Appeal was heard on 13 August 2009 and I then spent until 12 November 2011 in prison.

4. The process of the claim for costs in **FCA No: SAD 69 and 73 of 2009** led to Registrar Bochner on 15 September 2010 issuing a Certificate of Taxation in the amount of \$56,435.72 against me and in favour of the First Respondent, which was the basis for



4.1 I raise here the matter of First Respondent's earlier issuing a Bankruptcy Notice in the State of New South Wales. I state that per letter dated 5 July 2010 from Solicitor for the Respondent, Mr Steven Lewis, I did receive a copy of the Bill of Costs filed in the FCA SA District Registry. Not until 1 November 2010 was I aware of any developments in the matter because on this day a Process Server hands me the Bankruptcy Notice No 4753 of 2010 and signed by a Registrar of Local Court of New South Wales, dated 12 October 2010.

4.2 In a letter, dated 18 November 2010, Solicitor for the First Respondent forwards to me a copy of the Certificate of Taxation, dated 15 September 2010, and signed by Registrar Bochner of the FCA Adelaide.

4.3 By this time I am totally confused about what is going on and seek assistance from a Melbourne legal firm Armstrong Lawyers that by letter dated 19 November 2010 makes a viable offer to settle the cost claim made against me, which First Respondent's solicitor rejects.

4.4 I oppose the NSW issued Bankruptcy Notice and although solicitor Lewis withdraws the Bankruptcy Notice No 4753 of 2010 prior to the hearing date, on 6 December 2010 Registrar Christie, Federal Magistrates Court of Australia, Adelaide Registry, dismisses First Respondent's action. First Respondent's solicitor then begins anew his costs demands issued in the Adelaide Registry of the FCA.

5. Owing to my then solicitor failing to respond to the costs demand by two days outside of the time limit First Respondent's solicitor Steven Lewis issues a new Creditors Petition, No. SYG 855/2011 in the Federal Magistrates Court of Australia, Sydney Registry.

6. I now make reference to my **Affidavit sworn on 10 April 2012**, in particular at **6.14** and the correspondence between First Respondent's solicitor, Steven Lewis, and my letter to him headed: **Settlement Offer 20 June 2011 in FCA Matter No: SAD 69 & 73 of 2009**. In reply First Respondent's solicitor stated: **'It is incorrect to state that there is a settlement. It is also not appropriate for you to send copies of your correspondence to the court'**.

6.1 Notwithstanding the denial of 'settlement', the fact remains that all judgment sums, costs, etc. that was awarded to the First Respondent was claimed by the First Respondent in his Creditor's petition, which was dismissed – as per Exhibit at page 5 of this Affidavit – upon my making full payment.

6.2 The First Respondent had the time and opportunity to file such claims for additional costs – if any, which is denied – prior to the filing of Bankruptcy Proceedings against me; which the First Respondent failed to do. I therefore invoke the legal principle of Laches, Waiver and Estoppel as valid defences to such additional claims for costs as requested in the present Bill of Costs filed by the First Respondent. In the Bankruptcy Proceedings, the First Respondent and for that matter any of my creditors may file such claims with the Bankruptcy Court in support of the Creditor's Petition. The First Respondent did not file any claims in the Creditor's Petition – estimated claims or otherwise – and as such the First Respondent's claims in the Creditor's Petition is final and has crystallized.



3

6.3 By filing the Bankruptcy Proceedings the First Respondent has fraudulently misrepresented to me as well as to the Bankruptcy Court that upon payment of the sum claimed in the Creditor's Petition, that there would be no further claims. It is also dishonest.

6.4 Solicitors for the First Respondent should have taxed all costs payable - if they were so entitled - but failed to do so. They failed in their duty to the Court and have thereby affected my legal rights. I have thereby been prejudiced.

7. On 21 June 2011 I make payment to the First Respondent's solicitor's firm, Slater & Gordon Sydney, as per Exhibited Receipt from NAB, below;

nab RTGS Application
Customer Copy

Outlet: BELROSE GLENROSE CENTRE State/Branch no. 2132 Date 21 June 2011 Reference no. 2132/OPRT/418753

Please issue a RTGS payment as follows:
Amount in words: FIFTY SIX THOUSAND, FOUR HUNDRED AND THIRTY FIVE DOLLARS AND SEVENTY TWO CENTS *****
***** Currency AUD Amount 56,435.72
Value date 1.000000
56,435.72
NAB's charge 35.00
56,470.72

Payment instructions
ADVISE AND CREDIT ACCOUNT

Beneficiary advice of payment by MAIL

Payment details

Beneficiary's

- Account no. 564056
- Name SLATER AND GORDON TRUST ACCOUNT NO2
- Address 11/51 DROITT ST
SYDNEY
2000
- Bank WESTPAC BANKING CORPORATION
- Branch address SYDNEY OFFICE, 341 GEORGE STREET
341 GEORGE STREET
SYDNEY, NSW, 2000

Message FROM DR. TOBEN- REF 283157 JONES

Applicant GERALD FREDRICK TOBEN
23 CALOROGA ST
WATTLE PARK 5066
AUSTRALIA

Terms and Conditions

I/We acknowledge having read and understood the terms and conditions on reverse.
Authorised signature/s (Authorisation must be signed in accordance with authorities held by NAB)

Applicant to complete one of the following:
☐ Cash/Cheque is tendered for payment.
☒ I/We authorise NAB to debit my/our account.

National Australia Bank Limited ABN 12 004 044 937

7. **cont.**, and on 28 June 2011 I obtain the FMC Order dismissing the First Respondent's Creditors Petition, as per Exhibited Order, below.

**IN THE FEDERAL MAGISTRATES
COURT OF AUSTRALIA
REGISTRY SYDNEY**

FILE NO: (P)SYG855/2011

IN THE MATTER OF GERALD FREDERICK TOBEN

**JEREMY JONES
APPLICANT**

**GERALD FREDERICK TOBEN
RESPONDENT**

ORDER

BEFORE: REGISTRAR HEDGE

DATE: 28 June 2011

MADE AT: SYDNEY

THE COURT ORDERS THAT:

1. The Creditor's Petition be dismissed.
2. The Respondent pay the Applicant Creditor's costs (including reserved costs) of the petition fixed in the amount of \$4,227.74.
3. A copy of this order be provided to the Official Receiver in Sydney within 2 days.

DATE THAT ENTRY IS STAMPED: 28 JUNE 2011



Note:

Subsection 104(2) of the *Federal Magistrates Act 1999 (the Act)* provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 102 (2), or under a delegation under subsection 103 (1), of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 2.03 of the *Federal Magistrates Court (Bankruptcy) Rules 2006* provides that, subject to any direction by the Court or a Federal Magistrate to the contrary, an application under subsection 104 (2) of the Act for review of the exercise of a power of the Court by a Registrar under subsection 102 (2), or under a delegation under subsection 103 (1), of the Act must be made by application for review within 21 days after the day on which the power was exercised. An applicant seeking a review can apply to a Federal Magistrate to waive the requirement that the application for review under subsection 104 (2) of the Act for review be made by application for review (see subrule 1.06 (1) of the *Federal Magistrates Court Rules 2001*).

8. Malicious Legal Prosecution and Persecution

I further state that this application for additional costs is *mala fides, vexatious* and an *abuse of process* of court. The antecedent of the legal process is revealed in the following two letters: Letter dated 12 May 2000, by a member of Australia's Jewish Community - of which the First Respondent is a member - and covertly sent to the USA Embassy In Canberra, ACT. The half-truths and outright lies therein have never been refuted. For example, the German legal matter has been stayed and it never led to my conviction.

FILE No. 882 12.05.00 15:12 ID:

FAX: +61 3 95258127

PAGE 1



The S'nai B'rith

Anti-Defamation Commission Inc.

Australia / New Zealand

Registration No. A 0027143P

BOARD OF ADVICE

President:
The Rt Hon Sir Zerkow Cohen
AK QCAG QCVO QC QCL

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Mr David Sanderson

12/5/2000

MR STEVEN ENGELKEN

Political Affairs

US Embassy

Fax 02 6214 5816

Pages: 7

PRIVATE AND CONFIDENTIAL

Dear Steven,

As per our conversation yesterday, please find attached a background briefing paper on the Adelaide Institute, of which Fredrick Toben is the director.

As we discussed, Toben has either arrived or is on his way to California for the conference of the Institute for Historical Review, a large Holocaust denial organisation. I have contacted the Anti-Defamation League in the US for further information as to the exact date of this conference.

The way in which Fredrick Toben spells his first and last names is unusual and will assist in identifying him. Toben was born in Jade, Germany on 2 June 1944 and came to Australia in 1954. He is the son of Johannes Toben and Adelheid (nee Solty). He currently resides in the suburb of Norwood in Adelaide.

In November 1999 Toben was convicted in Mannheim, Germany, for "defaming the dead". The attached briefing paper provides further information as to his activities and racist ideology.

Please let me know should you require any further information and whether you are able to ascertain if Toben is currently in the US.

Thankyou for your help in this matter.

Kind regards,

Benson Appie

Director of Research & Public Affairs

PO Box 460, South Caulfield, Victoria 3162 Tel: (61 3) 9827 1224 Fax: (61 3) 9828 9127
Email: antidef@ozemail.com.au

12/05 '00 FRI 15:14 [TX/RX NO 9134] @002

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הדפדפן המעל של יהודי אוסטרליה

F.P.S. Box 64302
Washington, DC 20041
Telephone: (703) 673-7444 or (800) 348-5719
Telex: AA7702B

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RECEIVED
JAN 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

Mrs. Joyce Steele O.B.E.,
23 Caloroga Street,
WATTLE PARK. S.A. 5066

I am writing to you in my capacity as Chairman of the Anti-Defamation Committee of the Executive Council of Australian Jewry, the official roof body of Australia's Jewish community, about a serious and disturbing matter which concerns yourself.

Given your distinguished record of achievement on the South Australian and Australian political scene, you are probably unaware that by your endorsement of Bennett's booklet, you appear to lend the weight of your personal reputation, as well as that of the South Australian Liberal Party, to the approval of what the entire Australian Jewish community regards as one of the most vile and offensive pieces of anti-Semitic racism to be published in Australia in recent years.

Although Mr. Bennett's book may indeed contain civil liberties information of value, you may be aware that for some years John Bennett has continuously been publicising the outrageous and wholly untrue lie that the Nazi Holocaust involving six million Jews during the Second World War - the mass murder of six million Jewish men, women and children by Hitler and the Nazis - did not occur but was a lie invented after the war by lying Jews for financial and political ends. Since you have read Mr. Bennett's Your Rights 1984 you will be aware of the serious lie which he repeats on pages 77-78 of his book, photocopies of which are attached. In an effort to whitewash the Nazis, Bennett also states (page 72, also attached) that "Hate passions in the media directed against Hitler and the Nazis are so pervasive that a visitor from Mars might think we II is still in progress." Numerous other statements attacking the Jewish people are also to be found in this work.

Internationally, much pro-Nazi and anti-Semitic statements have almost entirely been confined to openly racist and extremist neo-Nazi groups in Europe and America while in Australia their main source

Continued on next page

Fuller

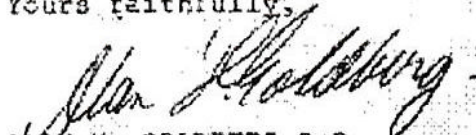
[Signature]

of propagation, apart from Mr. Bennett, is The League of Rights, the extreme right wing body known for its anti-Asian, anti-Aboriginal and anti-Semitic racist attitudes.

We find it both surprising and regrettable that a former public official of your distinction is seen to lend the weight of her reputation to a view which is an obvious and total distortion of history and an insult to the many millions of victims of Nazi oppression. Your endorsement of a book containing Bennett's extremist and racist views will, we believe, come as a considerable shock to your many admirers, both in South Australia and elsewhere and will tarnish your high reputation for fairminded public service. It also gives considerable distress to Australia's Jewish community, especially to the 10,000 or more Australian Jews who survived Hitler's concentration camps, while your endorsement may help to legitimise the use of Bennett's work in schools and universities. We are also sure that your endorsement would be greeted with both amazement and consternation by the South Australian Liberal Party and by the South Australian media, should it become known.

In all the circumstances it would seem desirable and appropriate that you should disassociate yourself from Bennett's anti-Semitic views and I would be most grateful if you could take some appropriate steps to this end.

Yours faithfully,


 ALAN H. GOLDBERG O.C.
 Chairman, Anti-Defamation
 Committee, E.C.A.J.

8.2 It must be noted that this ECAJ is the same body on whose behalf the action was brought against me commencing in 1996, first before the Human Rights and Equal Opportunity Commission, then progressing before the Federal Court of Australia and ending up in the form of a Bankruptcy/Creditors Petition before the Federal Magistrates Court of Australia where its legal action was dismissed on the Order made by Registrar Hedge on 28 June 2011.

8.3 Further to my *mala fides* allegation against First Respondent and his legal team, a party that comes to court claiming equitable relief must come with "clean hands". This means that if a party wants to seek justice, then it must also act justly, fairly and transparently, and it must disclose all material facts to enable the court to arrive at a just and equitable decision. In this case, the First Respondent and his legal team who are applying for his additional bill of cost, failed to inform the Taxing Master they had filed bankruptcy proceedings against me. Such behaviour is a failure in their professional conduct.

8.4 Finally, it is almost a year ago that the Bankruptcy Application was dismissed on 28 June 2011 and it appears that the current claim for additional court costs shows no sense of urgency. I now make reference to **Item 2 Exhibit 1 at 17.40 minutes** of my Affidavit sworn on 10 April 2012.

On 20 July 2010, Mr Lewis addressed the plenum of NSW Jewish Board of Deputies as Australian Labor Party candidate for Wentworth. Among other things, Mr Lewis stated:

'And since then I've become a lawyer, for better or for worse, and continued my work with the [Jewish] community.

I was able for the last four years to work on the Töben case, after the good work undertaken by Peter Wertheim, Robert Goot, and before him Justice Rothman when he was at the bar.

We're able to jail Töben for contempt. We're about to bankrupt Töben. We're able to fight back to the Holocaust deniers and put them in jail, and that is something that I feel great proud (sic) that I've been able to achieve that result with the help of this community.'

His prediction, made a year before bankruptcy proceedings commenced against me, did not come to pass – it may yet!

Sworn at Sydney
on 20 April 2012


.....
Signature of Deponent

Before me:.....

J.P. 179686

Full name of Witness:.....
GREGORY KHASINADORAN

Here is another item from Töben's 10 April 2012 Affidavit:

7. The Business of Holocaust Politics - a global phenomenon

7.1 After my imprisonment on 13 August 2009 it was Messrs Lewis and Wertheim who were given media access, and in the following published article they continue to defame my reputation and debase my intentions. As a right-of-reply was denied me by the newspaper that published their article I now add my comments thereto. I ask those who cry out for human rights, such as former FCA judge Catherine Branson – now President of the Human Rights Commission formerly the Human Rights and Equal Opportunity Commission, and who gave me the politically motivated gag orders – where are my rights to free expression, to think and to speak on matters Holocaust-Shoah while Lewis, et al. can say what they like and defame those who uncritically refuse to believe in the official Holocaust-Shoah narrative?

Voice to be held in contempt

Freedom of speech should not be freedom to vilify, argue Steven Lewis and Peter Wertheim, *The Australian*, August 18, 2009

IN a legal first, Australia's most notorious Holocaust denier, Fredrick Töben, has been jailed for three months following the failure of his appeal this week for contempt of court arising from breaches of Australia's antvilification laws. The sentence follows seven years of Töben repeatedly ignoring court orders requiring him to remove racist material from his Adelaide Institute website.

[FT comments: This is not true because each time I was ordered to remove particular items I did: in 2000 I wiped the full contents of the Adelaide Institute website and started again; in 2002 I deleted the website contents, and in 2007 I deleted specific items deemed to be offensive. Justice Lander found 'new' offensive items in 2007-8.]

His journey to prison began in 2002 when the Federal Court found Töben's website breached the racial-hatred provisions of the Racial Discrimination Act. According to the court, material on the site suggested the Holocaust did not occur, that there were no gas chambers at Auschwitz, that Jewish people who believed in the Holocaust were of limited intelligence and that they have exaggerated the number of Jews killed during World War II to profit from what he described as "a Holocaust myth".

[FT comment: I have never made such a statement - **that Jewish people who believed in the Holocaust were of limited intelligence** - and it was authored by then FCA Justice Catherine Branson, now president of the Australian Human Rights Commission.]

But it's not these claims, no matter how offensive they may be, that have landed Töben with a prison term. There are no criminal sanctions under the act. Töben is going to jail for contempt of court. He was ordered to remove the offending material and he didn't. He promised to remove the material and then reneged. He apologised to the court but then recanted. True to form, he all but invited the court to lock him up.

[FT comment: This is a lie - material ordered to be removed was removed but a link removal was not part of the November 2007 apology, and reports in the Australian Jewish news distorted the apology by claiming I had apologised for my thoughts on matters Holocaust-Shoah. I was invited to sign a pre-dictated written apology and not pay court costs, but deception within this process caused me to withdraw my apology.]

Töben referred to judges as "the Jewdiciary" and, again true to form, accused them of bias without a shred of evidence. We all have to obey the law and court orders. There are no special rules and privileges for the Töben's of this world.

[FT comments: I do not use this term "Jewdiciary" - much like the term "JewYork" or "JewPork" - but articles written by others have used the term. A request to delete offending articles, if made properly, has always been complied with but I refuse to be bullied into anything.]

While the decision to jail Töben will be welcomed by most fair-minded people, questions will rightly be asked about free speech and turning Töben into a poster-boy for racist fringe groups.

[FT comments: Pulling the race card is a cheap way of blocking enquiry into important public issues. In any case, the race card does not apply to religious matters and Jews are not a race.]

The suggestion that Töben, and others like him, should be able to say whatever they like regardless of how hurtful, inaccurate and ugly it might be, goes to the heart of our dearly held belief in freedom of expression.

[FT comments: But as this legal process indicates, there is a deliberate move not to speak with me on any matter, which is the use of the Talmudic-Marxist death dialectic of win-lose instead of the Hegelian life-giving win-win dialectic.]

But does this sort of commentary, publicly attacking people because of their race, ethnicity or religion, really constitute community debate? Is it an exercise of free speech, or an abuse of it? When Jews in Australia are targeted, these questions take on a very sharp edge. Australia has the world's second highest percentage of Holocaust survivors after Israel. Like all freedoms, the proper limits of free speech are exceeded when it is about causing harm. The basic question is whether vilification is sufficiently harmful to justify an intrusion by the law into this fundamental personal freedom.

[FT comments: Mr Jones and the Executive of Australian Jewry have never had to quantify their 'hurt feelings' when confronted with issues that question vital historical matters such as the Holocaust-Shoah.]

Whether it's Jews, Muslims, homosexuals or women, the public vilification of entire groups of people can only undermine, and ultimately destroy, their sense of security, the birthright of every Australian. Being constantly vilified as a member of a group, instead of being judged on one's individual merits, compromises one's social relationships. One is put on the defensive with workmates, friends, neighbours and anyone else with whom one interacts. Such is the power of modern communications. And vilification is the invariable precursor to violence against members of the targeted group. The Racial Discrimination Act protects innocent people from this sort of harm.

[FT comments: Wrong, because it is not possible to protect hurt feelings through legal means as that is a matter of maturity. Of course the writers are permitted to vilify me because I deserve it, no doubt. This is the problem faced when 'hurt feelings' are legally protected for some chosen individuals only. My hurt feelings don't deserve to be protected!] But the harm has to be proved in court according to objective criteria.

[FT comment: This was never done and only Kath McEvoy, University Adelaide law lecturer as HREOC commissioner, and Catherine Branson, the FCA judge, decided what material was hurtful - anything that questions the veracity of the Holocaust-Shoah narrative.]

The act makes it clear that it is not unlawful to publish material in good faith as part of a genuine academic, artistic or scientific debate, whether anyone takes offence or not. What's clear in the Töben case, and what the court found, was that his material is not part of a genuine debate about history or politics, as he claimed. The real thrust of his material is to use the internet to stoke up hatred against Jews as a group.

[FT comments: This assertion was never tested in court because I could not get legal aid to fund the defence and I could not get legal representation at the matter-of-fact stage.]

Some argue that if Töben had been left alone to spruik from his Adelaide-based hate website he would have remained an obscure failed school teacher talking to like-minded nutters. [Emphasis added.]

[FT comment: A failed school teacher? During 1985-88 I exposed legal corruption within the Victorian Education Department up to the highest level, at Director-General level and in its legal department! I was a teacher at Marryatville High School, Adelaide, from 1994 to 1997, when the task of directing Adelaide Institute became a full-time job.]

Not so. Töben is a determined publicity hound. In 1999 he travelled to his native Germany and was convicted in Mannheim of incitement to racial hatred and Holocaust denial.

[FT comments: That's the problem if I am confronted with outright lies, I need to find out the truth of a matter. Believing in historical lies is soul-destroying. This German matter is still not settled and no conviction has been achieved. Such smear tactics as here employed by the writers is typical of the attitude of mind that refuses to open itself to addressing the issues I address: what is the physical factual basis on which the Holocaust-Shoah claims rest? The actual trip was also a research trip to Auschwitz and to study legal systems that banned research on matters Holocaust-Shoah.]

In Germany, for obvious reasons, trying to whitewash the Nazis' crimes is a criminal offence. Töben spent seven months in jail.

[FT comments: Why do the writers not mention that Germany still has no peace treaty and is in effect still an occupied country where thoughts and opinions are criminalised – as I highlighted in my 2008 London arrest. British Common law does not as yet criminalise expression of opinions.]

In 2006, Töben went to Tehran for an anti-Semitic hatefest, hobnobbing in the media limelight with a cavalcade of some of the world's most notorious racists including Iranian President Ahmadinejad and US Ku Klux Klansman David Duke.

[FT comments: Using the term "anti-Semite" to smear and to deflect from legitimate enquiry reminds one of what the Inquisition did with Galileo when he refused to bow to the orthodoxy of the geocentric universe. I refuse to bow, uncritically, to the Holocaust-Shoah narrative. Muslims do not fear the Jews and certainly do not stand in awe of them, though they consider themselves as part of the Abrahamic religious mindset that includes Jews-Muslims-Christians. Nowadays an Antisemite is someone the Jews love to hate!]

The publicity around the legal proceedings against Töben in Australia has been a mere zephyr in his international media whirl. For reasons that defy conventional analysis, Töben has spent most of his adult life vainly working to rehabilitate the universally disgraced reputation of Nazi Germany. And for Töben, "the Jews" are the principal obstacle. If Töben and his patsies confined their activities to ranting among themselves in private, few would care. But using our cherished freedoms and easy access to the mass media as a way of striking at the security of an entire group of people on racial grounds tears at the fabric of our community and ultimately threatens those very freedoms.

[FT comments: This is typical of those who attempt to distort our understanding of European history. Why would Gerard Menuhin, Yehudi Menuhin's son, agree with my quest to open the Holocaust-Shoah for debate? I have always maintained that: 'Don't blame the Jews, blame those that bend to their pressure'. Lewis and Wertheim here are playing politics rather

noisily. Both writers forget that on 21 April 1933 as one of the first legal acts enacted by Adolf Hitler and the National Socialists was to ban kosher slaughter, thereby demolishing a pillar of Jewish religion on grounds it was cruel and inhumane. It is obvious to me that the Holocaust-Shoah narrative is designed to deflect from this 1933 act, but the current dispute in Australia about kosher slaughter indicates we again find ourselves in a similar time where a society wishes to free itself from cruel and inhumane religious practices.]

History has vividly demonstrated that the relentless infusion of racism into public discourse is like dripfeeding poison into the democratic body politic.

[FT comments: Using the race card to deflect from such vile practices as kosher slaughter can only be defeated by again having instigated horrendous acts of war on innocent civilians, which is happening as this matter is dealt with in court in a number of countries who are resisting the globalisation push.] And in the words of American philosopher George Santayana: "Those who do not remember the past are condemned to repeat it."

Steven Lewis and Peter Wertheim are lawyers with Slater and Gordon who ran the racial vilification and contempt cases against Fredrick Töben.

[FT comment: Pulling the race card and labelling critical voices against objectionable Jewish behaviour as "racists" also deflects from what Israel is doing to the Palestinians where a real drip-feeding of genocide against the Palestinians is occurring. The recent climate change debate likewise has sides that refuse to open themselves for debate, and when Australia's Prime Minister claims the science on this has been settled, then that is against the ethos of scientific investigations. Scientific hypothesis and theories are constantly subjected to revision and augmentations – as is the case in all academic endeavour, including matters Holocaust-Shoah.]

Denier in jail after losing his appeal

BY: PIA AKERMAN From: The Australian August 14, 2009 12:00AM

HOLOCAUST denier Fredrick Toben spent last night behind bars in Adelaide, after the Federal Court dismissed his appeal against 24 findings of criminal contempt. The warrant for Toben's arrest was immediately activated by judge Jeffrey Spender, with Australian Federal Police officers waiting outside the court to take Toben into custody.

Toben, 65, had previously been sentenced to three months' imprisonment for disobeying court orders not to publish offensive material on his website, but was on bail pending the appeal against the finding and his punishment. His lawyer David Perkins yesterday argued the sentence was too harsh, saying home detention was appropriate and that Toben's contribution to revisionist material available on the internet was "a drop in the bucket".

"The vice is small," Mr Perkins said, describing the offence as a "technical" contempt. "A regime in which a person is prevented from saying what he or she thinks about matters of importance is a totalitarian regime.

"He is unable to express views which he, for better or worse, has about events which are of some importance."

But Justice Spender said Toben had no civil right to breach the Racial Discrimination Act, and asked whether the court had the ability to actually increase the sentence in this situation.

He said the sentencing judge had treated Toben "mercifully" given his wilful and serial disobedience of previous court

orders. "This is not a case concerning opinions about or views concerning the Holocaust, or about gas chambers, or about Jews," Justice Spender said. "In our opinion the sentence of three months ... cannot on any stretch of imagination be said to be excessive or unwarranted."

Jeremy Jones, former president of the Executive Council of Australian Jewry, brought the case against Toben on the grounds he had persistently breached the Racial Discrimination Act following a 2002 court decision against him.

Toben committed contempt of court on 24 occasions, wilfully disobeying court orders by keeping anti-Semitic material on his Adelaide Institute website.

He was held in Britain for nearly two months last year while German prosecutors tried unsuccessfully to extradite him on charges of publishing internet material "of an anti-Semitic and/or revisionist nature".

Toben also spent seven months in Mannheim prison in 1999 for inciting racism.

After Justice Spender read the court's decision, Toben stood and asked if he could say something, to which the judge said no.

Toben then loudly said "following blind orders", as the judges left the court.

<http://www.theaustralian.com.au/news/denier-in-jail-after-losing-his-appeal/story-e6frg6no-1225761186098>

8. Civil Dispute Resolution Act of 2011

8.1 The above gives support to my view how antagonistic Lewis and Wertheim, as representatives of the Executive Council of Australian Jewry, are towards me. An application of the **Civil Dispute Resolution Act of 2011** that came into effect on 1 August 2011 binds the Federal Court to overarching principles that attempt to get away from nit-picking on legal requirements but attempts to look at the total picture and attempts to ensure that justice is done and there be no orders made as to costs.

8.2 When Justice Bruce Lander, as the Convenor of the Rules Revision Committee, conducted on 14 June 2011 an Information Session at Adelaide's FCA, I booked myself in for this 4:45pm – 6:15pm session. In 2009 Justice Lander had imposed on me the three month prison sentence. After the session attendees adjourned for refreshments and I had the opportunity briefly to speak with His Honour, and I complimented him for his interesting presentation because the moral dimension is thereby brought back into our legal system.

8.3 The essence of the new rules is that 'expert evidence', 'costs' and 'genuine steps requirements' are now looked at beyond the framework that 'Talmudic legal sophistry' has gradually introduced into our legal system. It is the re-assertion of British Common Law principles reaching back to the Magna Carta as opposed to the exploitative 'Shylock-pound-of-flesh' mindset where an individual does not receive real justice.

8.4 In his written submission of 3 August 2008, **Applicant's Updated Objections To Respondent's Affidavits – Some Parts not Objected To Will Be Tendered**, he states, among other things:

>>**Limited Basis** = may be used as evidence of material on the website **but not of the truth of any assertions** or imputed assertions to effect that"

- 1.** There is serious doubt that the Holocaust occurred;
- 2.** It is unlikely that there were homicidal gas chambers at Auschwitz;
- 3.** Jewish people who are offended by and challenge Holocaust denial are of limited intelligence;
- 4.** Some Jewish people, for improper purposes, including financial gain, have exaggerated the number of Jews killed during World War II and the circumstances in which they were killed.<<

8.5 This kind of mindset as expressed in the above statement – **>but not of the truth of any assertions** <– is immoral and dishonest where lies reign supreme, and would contravene the Civil Dispute Resolution Act of 2011. I did develop the dialectic thought and published it as my moral dilemma:

'Do I tell the truth or do I obey the law?'

The Talmudic death dialectically schooled lawyer would unreservedly opt for obeying the law, then use his mental capacity to find a loophole within the legal structure and get around it that way. The Hegelian philosophically schooled life affirming dialectic Mensch would opt for both obeying the law and telling the truth. This is because if there is a conflict between the law and truth-telling, then it must not be resolved at the expense of truth as an ideal. The truth concept is not a mere social construct of expediency, as Talmudic/Marxists, et al, assert but it is the bedrock of any civilization where truth's sibling is at home - trust. Hence my problem in obeying the FCA injunctions because: 1. Truth has not been a defence in the proceedings, and 2. The injunctions are vague, imprecise and outright nonsensical for anyone versed in the topic of Holocaust-Shoah.

8.6 It is because of this **Civil Dispute Resolution Act of 2011**, and after I made final payment made in this matter I personally sent to Slater & Gordon for Mr Lewis copies of Don Heddesheimer's *The First Holocaust*, and Thomas Dalton's *Debating The Holocaust. A New Look At Both Sides*, now submitted as **Exhibit 2**.

8.7 For the record, when on 14 July 2011 I attended the Australian College of Educators National Conference in Sydney, the afternoon's guest speaker was Catherine Branson, President of the Australian Human Rights Commission – formerly HREOC. Among other things Ms Branson stated that it is important to teach Human Rights in schools because of the rise in school bullying, especially cyber bullying. Afterwards I was able to ask her the second and final question of the session: Where is Truth at home in the Human Rights program? She did not directly answer the question but attempted to become personal about my case that she had summarily determined as a judge of the Federal Court of Australia, merely applying the Racial Discrimination Act as passed by Australia's legislators at Parliament House, Canberra. I asked her a second time – again receiving a totally evasive response. It was not appropriate for me to insist she answer my basic question for a third time: Where is truth in human rights legislation?

8.8 Human Right and Holocaust-Shoah Matters – and MEMORY LAWS

The 1966 UN International Covenant on Civil and Political Rights contains Article 19 wherein it guarantees Freedom of Opinion and Expression, which then is limited by Article 20 that prohibits any form of expressed national, racial, religious hatred.

UN Human Rights Committee General Comment No 34 dated 21 July 2011, specifically on **Article 19: Freedoms of opinion and expression**: